### FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT

#### IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

(1) Eric Diaz #79/8/ at DCP:	· ·
(Name of Plaintiff) (Inmate Number) : 501 Mg   Poad	
HarrisburgaPA 17111-1299	
(Address)	
(2):	14-259
(Name of Plaintiff) (Inmate Number) :	(Case Number)
	(Case Number)
(Address) :	
(Each named party must be numbered, and all names must be printed or typed) :	
vs. :	CIVIL COMPLAINT
(1) Douphin County Work Release Center:	
(2) Dauphin County Adult Probation Parole Dept.	SCRANTON
(3) Prime Care Medical Inc.	COHANTON
(Names of Defendants) :	NOV 0 8 2018
(H) DawPhin County Prison : (Each named party must be numbered, :	PER
and all names must be printed or typed) :	DEALL
(5) Case Management Unit	SEPUTY CLERK
TO BE FILED UNDER: V 42 U.S.	
6) Dauphin County, Pennsylvania 28 U.S.C.	§ 1331 - FEDERAL OFFICIALS
. PREVIOUS LAWSUITS	
A. If you have filed any other lawsuits in federal on number including year, as well as the name of	court while a prisoner, please list the caption and cas f the judicial officer to whom it was assigned:
	•

## II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

		r to proceed in federal court, you must fully exhaust any available administrative remedies as to ound on which you request action.
	A.	Is there a prisoner grievance procedure available at your present institution? YesNo
	В.	Have you fully exhausted your available administrative remedies regarding each of your present claims?No
	C.	If your answer to "B" is Yes:
		1. What steps did you take? There were (are) no applicable steps in this
		particular situation that would have provided a proper remedy.
		2. What was the result?
	D.	If your answer to "B" is No, explain why not: The grievance policy is grossy
		ineffective as it has no time limitations for responses.
III.		NDANTS—See attached two (2) pages for Defendants  me of first defendant:
	Emp	ployed as at
	(2) Nai	ling address:
	Emj	bloyed as at
	Mai	ling address:
	(2) Ivai	ne of third defendant:
		oloyed as at at at
		(List any additional defendants, their employment, and addresses on extra sheets if necessary)
T\$7 C		
14. 2	TATEM	IENT OF CLAIM
(S date	tate here	as briefly as possible the facts of your case. Describe how each defendant is involved, including aces. Do not give any legal arguments or cite any cases or statutes. Attach no more than three necessary.)
(S date	tate here es and pl sheets if	as briefly as possible the facts of your case. Describe how each defendant is involved, including aces. Do not give any legal arguments or cite any cases or statutes. Attach no more than three necessary.)
(S date	tate here	as briefly as possible the facts of your case. Describe how each defendant is involved, including aces. Do not give any legal arguments or cite any cases or statutes. Attach no more than three necessary.)  On or about May 4,2016, the Plaintiff was sent to Dauphin County
(S date	tate here es and pl sheets if	as briefly as possible the facts of your case. Describe how each defendant is involved, including aces. Do not give any legal arguments or cite any cases or statutes. Attach no more than three necessary.)  On or about May 4,2016, the Plaintiff was sent to Dauphin County
(S date	tate here es and pl sheets if	as briefly as possible the facts of your case. Describe how each defendant is involved, including aces. Do not give any legal arguments or cite any cases or statutes. Attach no more than three necessary.)

## criminal docket number: CP-22-CR-0001985-2010,

- 2. Upon intake at DCP, the Plaintiff was seen by the medical staff, who are all employees of PrimeCare Medical Inc.

  ("PrimeCare"). PrimeCare staff arranged for the Plaintiff to speak with their psychiatrist, who is Dr. Martin.
- 3. Sometime in the month of June 2016, Dr. Martin prescribed the psycotropic medications of Wellbuttin and Trazidone to the Plaintiff, due to his diagnoses of Anxiety, Depression, PTSD and ADHD.
- See 3 attached pages for items 4. through 19.

#### V. RELIEF

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

- 1. The Plaintiff is seeking a justifiable amount of compensation for the extensive disregard upon the part of the Defendants in regards to his mental health needs and for blatantly ignoring the Court Ordered requirement of him obtaining a Mental Health Evaluation.
- 2. The Plaintiff must also be compensated for having his psychiatric treatment and his psychotropic medications halted when he went to the Work Release Center, despite the Defendants being made aware of his compromised state of mental health.
- 3. The Defendants must also provide the Plaintiff with his Court Ordered Mental Health Evaluation and arrange for him to get any and all recommended treatment as per the results of said evaluation. Said

## treatment must also be compensated by the Defendants, because the Plaintiff is an incarcerated indigent immate at DCP.

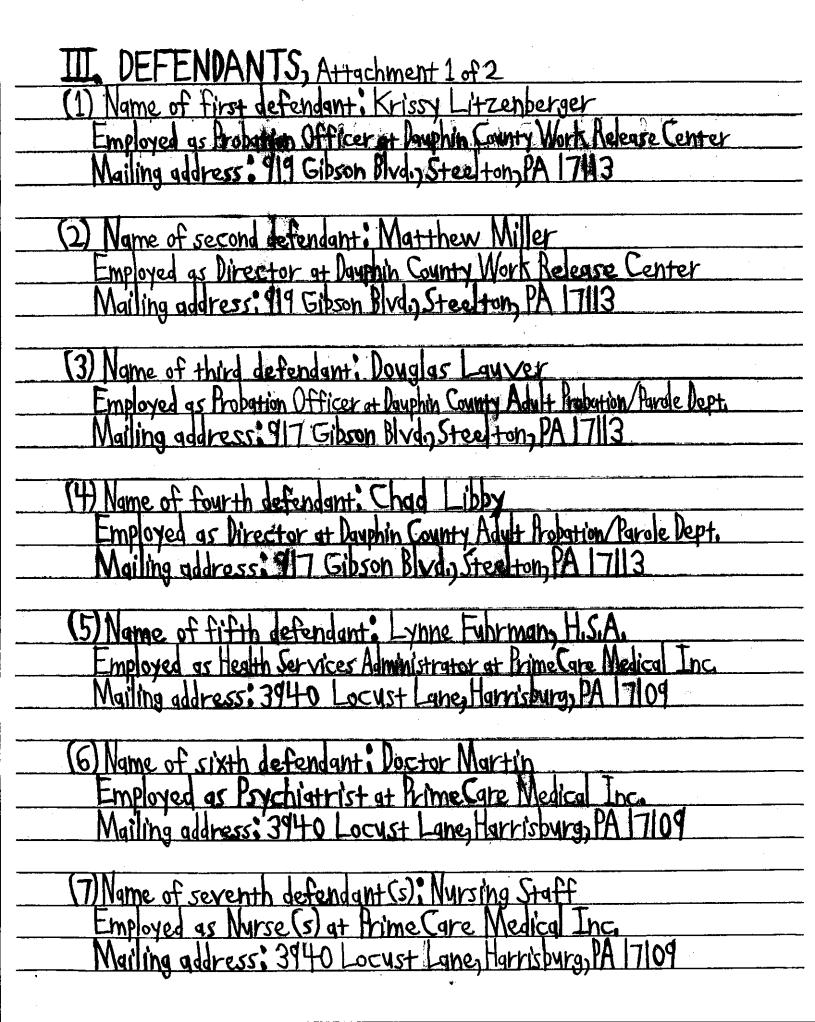
I declare under penalty of perjury that the foregoing is true and correct.

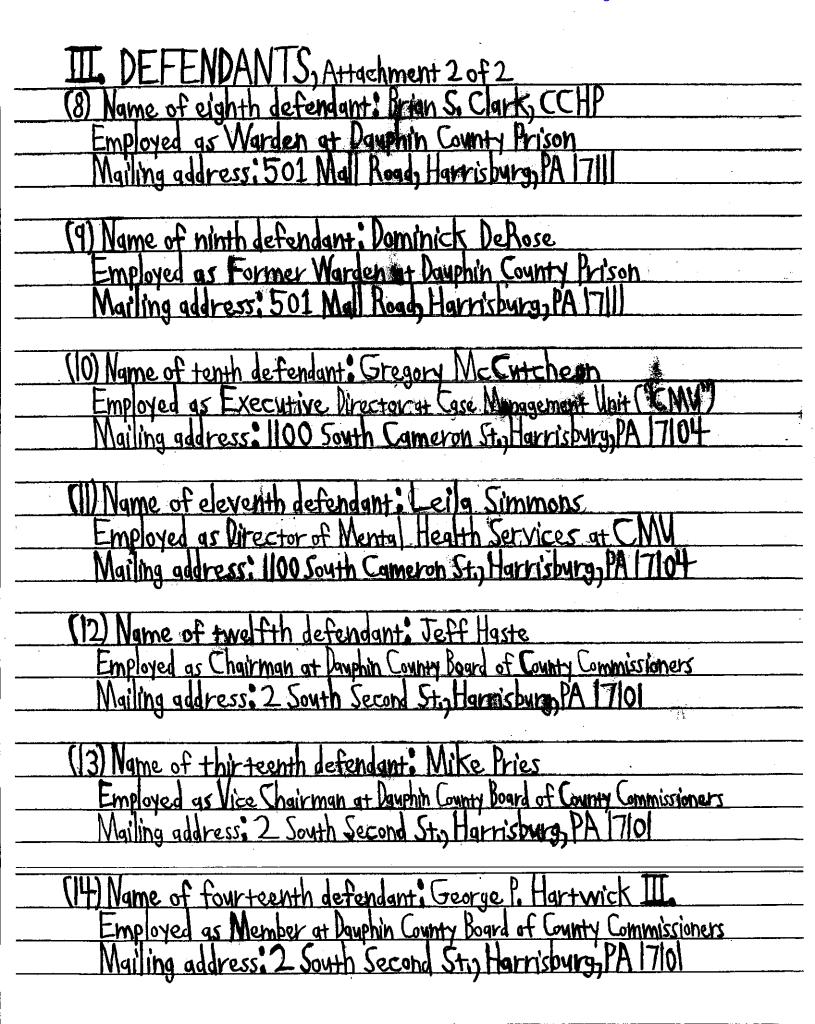
Signed this 5th day of November

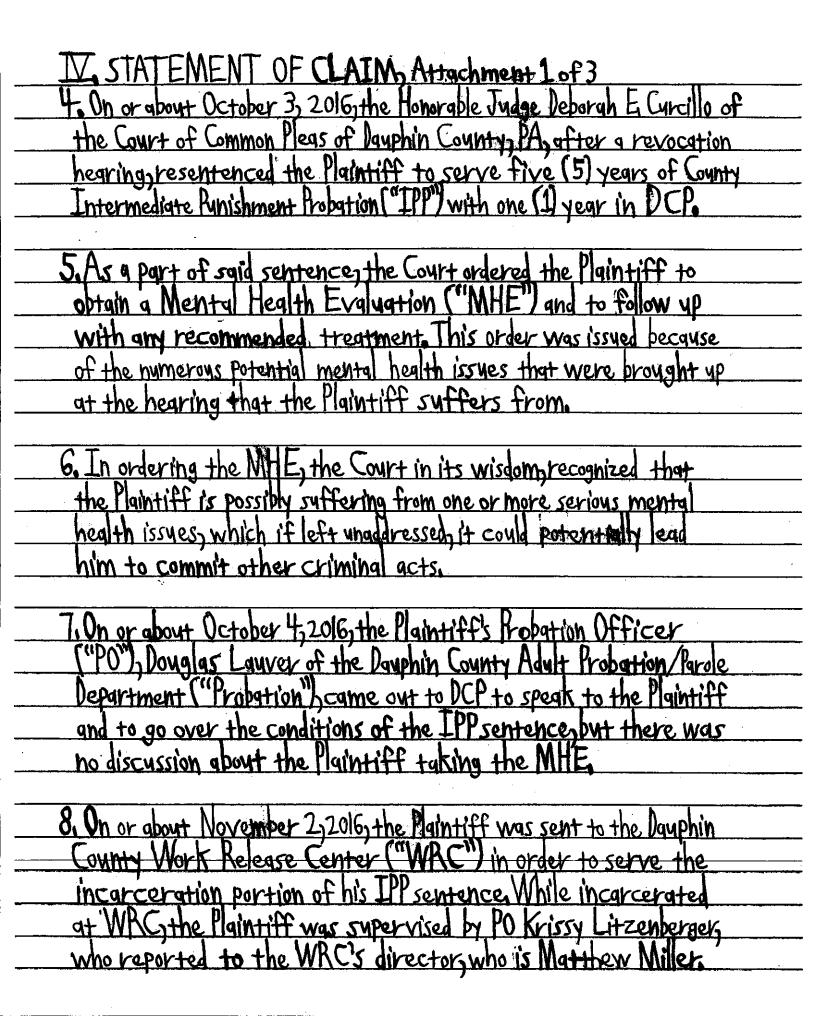
# PROOF OF SERVICE

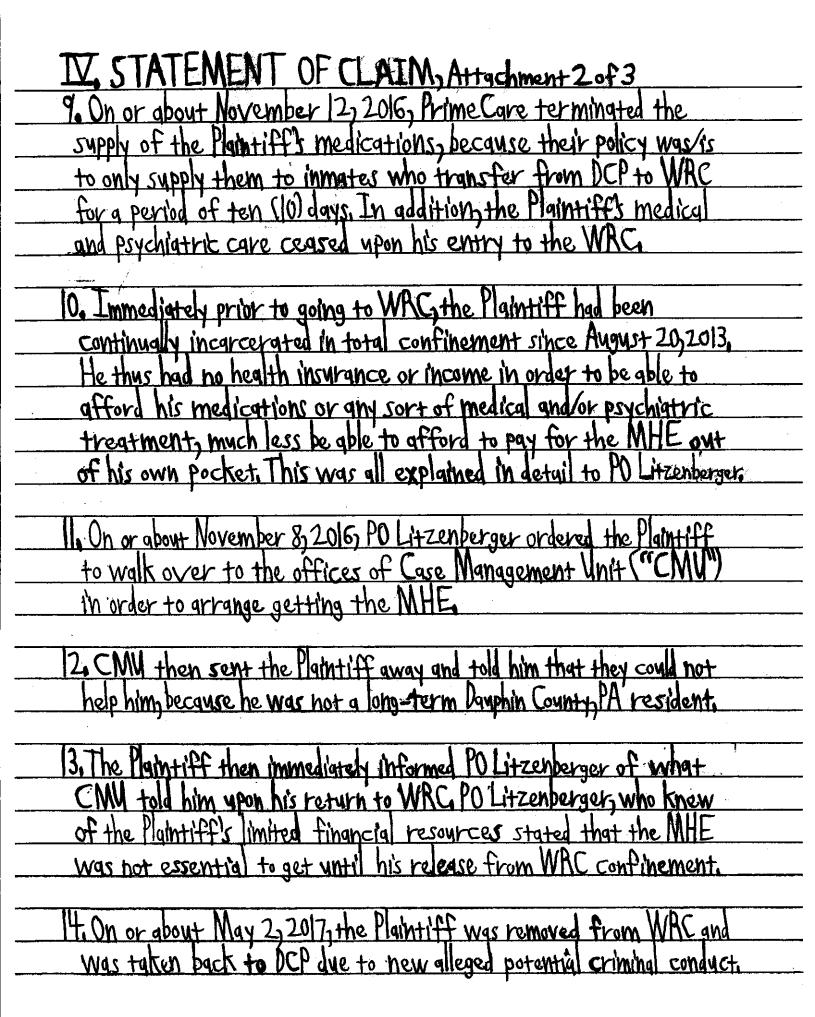
I, Eric Diaz, state that the above Civil Rights Complaint has been sent VIA United States Postal Service to the following individual (s): Note: This is sent out on 11/5/2018 and Prisoner Mail box Aule is applicable to this Complaint

Clerk of Court U.S. District Court, Middle District of Pennsylvania William J. Nealon Federal Building & U.S. Courthouse 235 N. Washington Aven P.O. Box 1148 Scranton, PA 18501 Signed this 5th day of Novembers 2018









IV STATEMENT OF CLAIM, Attachment 3 of 3
15. On or about May 4,2017, PO Lauver came to DCP to see the
Plaintiff in order to serve him with a Notice of Alleged
Violations of his IPP. The Plaintiff asked PO Lauver about
getting some sort of psychological treatment, but he was
summarily dismissed and told to leave
16. The Plaintiff is still being held at DCP in total confinement
on the same aforementioned docket due to an IPP detainer
that was issued on or about May 31, 2017.
17. To this present date, there has been no attempt made by the staff at DCB WAG Propation, CMV or Prime Care
by the staff at DCB WAG Propation, CMU or Prime Care
to arrange for the Paintiff to obtain his much needed and Court Ordered MHE.
and Court Ordered MHE
18. Due to the failure (5) upon the part of the aforementioned
Petendants, the still unaddressed mental health issuess
have caused the Plaintiff to allegedy commit more
Criminal offenses while he was at WRG. Had the Plaintiff
have been recommended after taking the MHE it is totally
Possible that said New offenses along with the associated
extended incarceration, would not have occurred.
extended integrees without your flave occurred
19. The alleged new offenses, along with the Paintiff's extended pariod
of mental suffering have also been possibly attributed to the discontinuation
of his psychotropic medications and routine check-ups with a psychiatrist

# FORMS TO BE COMPLETED BY PRISONERS FILING A CIVIL RIGHTS COMPLAINT UNDER 42 U.S.C. § 1983 or 28 U.S.C. § 1331

#### **COVER SHEET**

THIS COVER SHEET CONTAINS IMPORTANT INFORMATION ABOUT FILING A COMPLAINT AND YOUR OBLIGATIONS IF YOU DO FILE A COMPLAINT. READ AND COMPLETE THE COVER SHEET BEFORE YOU PROCEED FURTHER.

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The cost for filing a civil rights complaint is \$350.00.

If you do not have sufficient funds to pay the full filing fee of \$350.00 you need permission to proceed in forms pauperis. However, the court will assess and, when funds exist, immediately collect an initial partial filing fee of 20 percent of the greater of:

- 1) the average monthly deposits to your prison account for the past six months; or
- the average monthly balance in your prison account for the past six months.

Thereafter, the institution in which you are incarcerated will be required to make monthly payments of 20% of the preceding month's deposits credited to your account until the entire filing fee is paid.

CAUTION: YOUR OBLIGATION TO PAY THE FULL FILING FEE WILL CONTINUE REGARDLESS OF THE OUTCOME OF YOUR CASE, EVEN IF YOUR COMPLAINT IS DISMISSED BEFORE THE DEFENDANTS ARE SERVED.

\*

- 1. You shall file a complaint by completing and signing the attached complaint form and mailing it to the Clerk of Court along with the full filing fee of \$350.00. (In the event attachments are needed to complete the allegations in the complaint, no more than three (3) pages of attachments will be allowed.) If you submit the full filing fee along with the complaint, you DO NOT have to complete the rest of the forms in this packet. Check here if you are submitting the filing fee with the complaint form.
- 2. If you cannot afford to pay the fee, you may file a complaint under 28 U.S.C. § 1915 without paying the full filing fee at this time by completing the following: (1) Complaint Form; (2) Application To Proceed In Forma Pauperis; and (3) Authorization Form. You must properly complete, sign and submit all three standard forms or your complaint may be returned to you by the Clerk of Court. Check here if you are filing your complaint under 28 U.S.C. § 1915 without full prepayment of fees.

Please Note: If your case is allowed to proceed and you are awarded compensatory damages against a correctional facility or an official or agent of a correctional facility, the damage award will first be used to satisfy any outstanding restitution orders pending. Before payment of any compensatory damages, reasonable attempts will be made to notify the victims of the crime for which you were convicted concerning payment of such damages. The restitution orders must be fully paid before any part of the award goes to you.

DO NOT DETACH THE COVER SHEET FROM THE REST OF THE FORMS

NAME: D.C.P. # DALL POLITION SIMILAR PAGE 11 OF THE PAGE 17 OF THE

RECEIVED SCRANTON NOV 0 8 2018 ER PEPUTY CLERK

Clerk of Court, Civil Division
U.S. District Court, Middle District of PA
William J. Nealon Federal Avilding & V.S. Courthouse
235 N. Washington Aven PO. Box 48

Scrapton, PA 18501